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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,089	10/05/2000	Daniel Spitzer	AC02733US	8256

7590 09/24/2003

Joan M McGillyuddy  
Akzo Nobel Inc  
Intellectual Property Department  
7 Livingstone Avenue  
Dobbs Ferry, NY 10522-3408

EXAMINER
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ALAVI, AMIR

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 09/24/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/680,089	SPITZER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Amir Alavi	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 October 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-10 and 13 is/are allowed.
- 6) Claim(s) 11 and 12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

## DETAILED ACTION

### Specification

- Claims 11-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 11-12 have not been further treated on the merits.
- Applicant is reminded of the proper language and format for an abstract of the disclosure.
- The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe

the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

- The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.
- The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. In this regard, Examiner suggests replacing the present title with, "methods for applying color measurement by means of an electronic imaging device".
- The claims and the specification are objected to minor informalities, wherein, in all instances, please replace, "color", in the place of, "colour".

### **Allowable Subject Matter**

- Claims 1-10 and 13 are allowed.
- The following is a statement of reasons for the indication of allowable subject matter: The present invention is directed towards a method of determining a texture and/or color formula for matching a selected color and/or texture of a selected material. Independent claims 1 and 13 identify the uniquely distinct feature "for using a mathematical model, parameters are calculated for converting the measured color signals of the calibration colors to the known colorimetric data and using the mathematical model and the calculated parameters, the color signals of the measured selected color are converted to colorimetric data". Independent claim 10 identifies the uniquely distinct feature "for wherein the measured color and texture data are used to determine, in a databank, the texture and/or color formula of which the colorimetric data and the texture data most closely match those of the selected material". The closest prior art, Yamamoto et al. (US 6,556,210 B1) and Wyman et al. (US 4,813,000) disclose wherein the texture image, L\*a\*b\* space parameters of each tile area and each texture image are compared and a texture image having the closest space parameter is selected as the image

for the corresponding tile area, and a mosaic image is generated as well as wherein stored chromaticity data is coupled to a computer which compares it with stored chromaticity data in the computer representing available color formulas and then selects one of the stored paint formulas most closely matching the chromaticity data representing the selected color, either singularly or in combination, fail to anticipate or render the above underlined limitation obvious.

#### **Other prior art cited**

- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ozbey et al. (US 6,186,403 B1) is pertinent as teaching method and apparatus for accurate color reading of material having variable depth and motif.

Ingalls et al. (US 4,522,491) is pertinent as teaching method for reproducing one or more target colors on photographic paper or the like.

Kritchman (US 6,519,038 B1) is pertinent as teaching process for dying material to match a predetermined color.

Takagi (US 5,590,251) is pertinent as teaching color reproducing device for reproducing matched colors and an outputting device for outputting information for reproducing a color of a coated surface.

Maring et al. (US 4,812,904) is pertinent as teaching optical color analysis process.

## Contact Information

- Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amir Alavi whose telephone number is (703) 306-5913.
- The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 6:30 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Application/Control Number: 09/680,089  
Art Unit: 2621

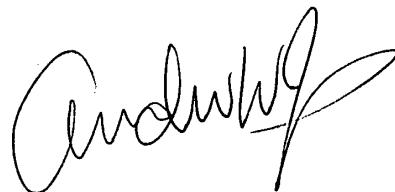
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**Or faxed to:**

(703) 872-9314, ("draft" or "informal" communications should be clearly labeled to expedite delivery to Examiner)

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the T.C. Customer Service Office whose telephone number is (703) 306-0377.



ANDREW W. JOHNS  
PRIMARY EXAMINER

AA  
September 15, 2003